

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENISE DIXON,	:	No. 3:17-CV-1827
	Plaintiff	:
		Judge Mariani
v.		Magistrate Judge Schwab
		:
PENNSYLVANIA DEPARTMENT OF CORRECTIONS, JOHN E. WETZEL, ROBERT SMITH, W FRANTZ, WENDY NICHOLAS, GARY LOWE, MR. MINNIG, MR. SCHAEFFER, ITW FOOD EQUIPMENT GROUP, LLC, MS. ANTHONY, TAMMY RISHEL, MS. YOUNG, LESLIE BLAIR-MORRISON, CYNTHIA FREELAND, CORRECT CARE SOLUTIONS, LLC, <i>and</i> CHRISTOPHER OPPMAN	:	Electronically Filed Document
		:
		<i>Complaint Filed 10/05/17</i>
		:
		:
		:
		:
		:
	Defendants	:

**MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS ANTHONY,
BLAIR-MORRISON, FRANTZ, LOWE, MINNIG, NICHOLAS, OPPMAN,
SCHAEFFER, SMITH, WETZEL, YOUNG and THE PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and this Court's May 6, 2019, Order (*Doc. 85*), Defendants Anthony, Blair-Morrison, Frantz, Lowe, Minnig, Nicholas, Oppman, Schaeffer, Smith, Wetzel, Young, and the Pennsylvania Department of Corrections, (Commonwealth Defendants) hereby move the Court to enter judgment in their favor because Plaintiff has failed to exhaust her administrative remedies.

The contents of this motion have been disclosed to all counsel of record in this action. Plaintiff's counsel does not concur. Counsel for the medical Defendants concurs.

Pursuant to Local Rule 56.1, a Statement of Material Facts with exhibits as well as a Brief in Support of this motion are being filed simultaneously.

WHEREFORE, the complaint against the Commonwealth Defendants should be dismissed, with prejudice.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

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Date: July 29, 2019

By: s/ Karen M. Romano

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Counsel for Commonwealth Defendants

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PENNSYLVANIA DEPARTMENT OF CORRECTIONS, et al.,		: Electronically Filed Document
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		: <i>Complaint Filed 10/05/17</i>
		:
	Defendants	:

CERTIFICATE OF SERVICE

I, Karen M. Romano, Acting Chief Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on July 29, 2019, I caused to be served a true and correct copy of the foregoing document titled Motion for Summary Judgment to the following:

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s/ Karen M. Romano
KAREN M. ROMANO
Acting Chief Deputy Attorney General